

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

MILES Q. FITERMAN REVOCABLE TRUST;
MILES Q. FITERMAN NON-EXEMPT
MARITAL TRUST; TOWERS
MANAGEMENT COMPANY LLC;
FITERMAN GST EXEMPT MARITAL
TRUST; MILES FITERMAN FAMILY
TRUST; SHIRLEY FITERMAN, individually,
and in her capacity as Trustee for the MILES Q.
FITERMAN REVOCABLE TRUST and the
MILES Q. FITERMAN NON-EXEMPT
MARITAL TRUST; STEVEN FITERMAN,
individually, and in his capacity as Trustee for
the MILES Q. FITERMAN REVOCABLE
TRUST and the MILES Q. FITERMAN
NONEXEMPT MARITAL TRUST; VALERIE
HERSCHMAN, individually, and in her capacity
as Trustee for the MILES Q. FITERMAN
REVOCABLE TRUST and the MILES Q.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04337 (SMB)

FITERMAN NON-EXEMPT MARITAL
TRUST; KAREN WASSERMAN; LYNN
GUEZ; STEPHANIE ROSENTHAL; MILES Q.
FITERMAN II; AND MATTHEW FITERMAN,

Defendants.

**ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND
RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY
PROCEDURE APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN
THE TRUSTEE AND THE DEFENDANTS**

Upon the motion (ECF Number 115, the “Motion”)¹ of Irving H. Picard, Esq. (the “Trustee”) as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, seeking entry of an order, pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, approving the agreement, by and between the Trustee and the Defendants as more particularly set forth in the agreement annexed thereto (the “Agreement”); and it appearing that due and sufficient notice has been given to all parties in interest as required by Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure and the Order Establishing Notice Procedures (SIPA Proceeding, ECF No. 4560); and the Court having considered the Affidavit of Irving H. Picard in support of the Motion; and no objection having been filed; and the Trustee having filed a Certificate of No Objection pursuant to Local Bankruptcy Rule 9075-2 representing that no objection, responsive pleading, or request for a hearing with respect to the Motion has been made; and it further appearing that this Court has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and after due deliberation; and sufficient cause appearing therefor; it is

~~ORDERED, that the Motion is granted; and it is further~~[SMB: 9/29/17]

¹ All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

ORDERED, that the Agreement between the Trustee and the Defendants is hereby approved and authorized; and it is further

ORDERED, that the Trustee and the Defendants shall each comply with and carry out the terms of the Agreement; and it is further

ORDERED, that this Court shall have exclusive jurisdiction over any and all disputes between or among the Parties arising out of or relating to the Agreement, as set forth more fully in the Agreement; **and it is further**

ORDERED, that the parties shall submit a draft order closing this adversary proceeding. [SMB: 9/29/17]

Dated: New York, New York
September 29, 2017

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE